

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 273 of 1995.

Tuesday this the 16th day of July 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.C. Jose,
Permanent Way Inspector,
Grade-II,
Railway Electrification,
Ernakulam South,

.. Applicant

(By Advocate Shri TCC Govindaswamy)

Vs.

1. Union of India through
the Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.

2. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O.,
Madras - 3.

3. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Madras - 3.

4. The Divisional Railway Manager(P),
Madras Division,
Southern Railway,
Madras - 3.

5. The Chief Traction Engineer,
Southern Railway,
Headquarters Office,
Madras - 3.

6. The Chief Engineer,
Railway Electrification,
Egmore, Madras - 8. .. Respondents

(By Advocate Shri James Kurien, ACGSC for Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 16th July 1996,
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks proforma promotion to Grade-I Inspector of Works in the scale of 2000 - 3200, alternatively, regularisation in the grade 1600 - 2660 with effect from 1.2.85. The claim of applicant was considered pursuant to A12 order of this Tribunal, and the impugned order A13 was passed.

2. In A13 respondents find that applicant is an officer of outstanding merit and they have catalogued his attainments. Thereafter, they conclude that:

- * i) His substantive status is only that of a Gangmate;
- ii) None of his juniors have been promoted as a PWI; and
- iii) that his request for regularisation of his service cannot be considered."

Learned counsel for applicant raised several grounds to upset these findings. We are not going into those. While passing A13, respondents have not taken notice of the change of position brought about by A15. The view taken regarding the ambit of para 114 of Chapter I Section (B) of the Indian Railway Establishment Manual, Vol.I, does not appear to be entirely correct. Respondents have also not examined whether the persons mentioned in paragraph 4 (E) of the Original Application would have been senior to applicant in the light of A15.

3. In the circumstances, we would direct respondents to re-examine the matter in the light of the changes brought about by A15. They will also examine whether para 114 mentioned above governs the case on hand, particularly when they have found applicant to be an officer of outstanding merit and rejected his request 'regretfully' on the basis of certain suppositions. Applicant will be free to supplement his case by a suitable representation, if so advised, within three weeks from today. A final decision in the matter will be taken within three months from the date of receipt of the representation.

4. Application is disposed of as aforesaid. No costs.

Tuesday this the 16th day of July 1996.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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List of Annexures

1. Annexure A12:- True copy of the Judgement in O.A.No.2263/93 dated 4-1-94 delivered by this Hon'ble Tribunal.
2. Annexure A13:- A true copy of the Letter No.C353/ 296/94/law dated 5-8-94 issued by the 3rd respondent.
3. Annexure A15:- A true copy of the Correction issued under letter No:M/P 1 (W) 531/DTM dated 29-12-87 issued by the Sr.Divisional Personnel Officer, Southern Railway, Madras Division.